

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5781 of 2018

- Ashish Sinha, S/o A.K. Sinha, aged about 38 years, R/o: H- 02/97, Narmada Nagar, Bilaspur, Tahsil & District- Bilaspur, (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through- P.S. City Kotwali, Rajnandgaon,, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri Hemant Gupta, Advocate.
For Respondent/State	: Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

11/10/2018

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 66/2018, registered at Police Station – City Kotwali, Rajnandgaon,, District- Rajnandgaon, (C.G.) for the offence punishable under Sections 420 & 406/34 of the Indian Penal Code.
2. As per the prosecution story, the present Applicant and two other Nikhil Prakash and Aniket Shrivastava were running local franchise of the M/s All Process Source Solutions Private Limited. They were appointing vendors for the digitalization work, and the persons interested were required to make security deposit for getting orders. Complainant Gaurav Prasad Jain was assured by the Applicant that he will be paid Rs. 5,10,000/-, if he will perform digitalization work. For this Complainant was required to make security deposit of Rs. 2,79,345/-. The complainant deposited the said amount on 07.04.2017. The Complainant performed his work but he was not paid

for the same by the said company and on approaching the local office, it was found to be locked and closed and whereabouts of the Applicant and others were not known. Thus, complaint was lodged by the Complainant on which the offence has been registered against the Director of the said company and the Applicant. The Applicant has been arrested on 10.07.2018.

3. Learned counsel appearing on behalf of the Applicant submits that Applicant is innocent and has been falsely implicated in the case. He further submits that Applicant himself is a vendor and subsequently got an agency for distribution of vendorship to others in the field of digitalization of books. The agreement executed between him and M/s All Process Source Solutions Private Limited clearly shows that Applicant was a service provider, regarding which agreements were entered by said company with various persons. Applicant was not a party to those agreements executed between APS Private Ltd., and the person concerned. None of the witnesses have stated that they have paid any amount to the Applicant. He further states that the alleged security money was given by Complainant on 07.04.2017, at that point of time, the Applicant was not the Director of the said company. From the evidence collected by the prosecution, it shows that the Applicant was serving as a Director w.e.f. 12.05.2017. Thus, *prima facie*, no case is made out against the Applicant. The Applicant is in custody since 10.07.2018 and charge-sheet has already been filed. Therefore, he may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 10.07.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined

to release him on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge